

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

SEVENTY-SECOND LEGISLATIVE DAY
TUESDAY, MARCH 24, 2009

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by guest chaplain, Pastor Gary Moore.

The Pledge of Allegiance was led by Philip Alexander, Page.

Approval of Journal

March 24, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventy-first Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR
Boise

March 23, 2009

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

H 31, as amended in the Senate, H 34, as amended in the Senate, H 36, H 37, H 51, H 79, as amended in the Senate, H 83, H 102, and H 132, as amended in the Senate,

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

March 23, 2009

Mr. Speaker:

I return herewith enrolled H 57, H 78, H 40, H 137, H 59, and H 60 which have been signed by the President.

WOOD, Secretary

Enrolled H 57, H 78, H 40, H 137, H 59, and H 60 were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

March 23, 2009

Mr. Speaker:

I return herewith H 10, H 105, H 55, H 88, H 89, H 90, H 91, H 92, H 109, H 193, H 154, as amended, H 107, H 179, H 184, H 101, H 125, and H 126 which have passed the Senate.

WOOD, Secretary

H 10, H 105, H 55, H 88, H 89, H 90, H 91, H 92, H 109, H 193, H 154, as amended, H 107, H 179, H 184, H 101, H 125, and H 126 were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 24, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed H 263.

CLARK, Chairman

H 263 was referred to the State Affairs Committee.

March 24, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled H 142, H 87, H 103, and H 104.

CLARK, Chairman

The Speaker announced he was about to sign enrolled H 142, H 87, H 103, and H 104 and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 23, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled H 143 to the Governor at 1:25 p.m., as of this date, March 23, 2009.

CLARK, Chairman

March 23, 2009

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration H 225 and report it back with amendments attached to be placed on General Orders for consideration.

NONINI, Chairman

H 225 was placed on General Orders for consideration.

March 23, 2009

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 261](#) and recommend that it do pass.

BLACK, Chairman

[H 261](#) was filed for second reading.

March 24, 2009

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 262](#) and recommend that it do pass.

NONINI, Chairman

[H 262](#) was filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 245](#), [HJM 7](#), and [H 256](#), by Education Committee, were read the second time by title and filed for third reading.

[H 249](#), by State Affairs Committee, was read the second time by title and filed for third reading.

There being no objection, the House advanced to the Twelfth Order of Business.

Consideration of General Orders

Mr. Roberts moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Rusche. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Bedke in the Chair.

When the Committee of the Whole House rose, Mr. Moyle took the Chair and the House was in order.

Report of the Committee of the Whole House

March 24, 2009

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration [H 198](#), [H 216](#), [H 244](#), and [H 240](#) and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO H.B. NO. 198

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 14 through 24 and insert:

"67-2323. WRITTEN AGREEMENT BEFORE TRANSFER – PUBLICATION OF NOTICE. Prior to any such conveyance or transfer, a written agreement shall be made between units of government or districts for a conveyance or

transfer of real or personal property from one to the other with or without consideration.

Notice of the general terms of the agreement shall be ~~published for two (2) consecutive weeks~~ given by publication in at least two (2) issues in a newspaper printed or of general circulation in the county or counties in which such respective units are located and having general circulation within such county or counties. Said notice shall give time and place of the next regular or special meeting of each respective unit at which time the governing board of such units propose to ratify such an agreement. The first publication shall be made not less than twelve (12) days prior to each meeting, and the last publication of notice shall be made not less than five (5) days prior to each meeting.

CORRECTION TO TITLE

On page 1, delete lines 6 through 10 and insert: "NOTICE."

HOUSE AMENDMENT TO H.B. NO. 216

AMENDMENT TO SECTION 3

On page 5 of the printed bill, in line 27, delete ", PHARMACIES"; in line 28, delete "AND INSTITUTIONS"; and also in line 28, delete "person" and insert: "pharmacist"; in line 30, delete "person" and insert: "pharmacist or employer of the pharmacist"; and also in line 30, following "for" insert: "the pharmacist"; in line 35, delete ", pharmacy or institution" and insert: "or employer of the pharmacist".

CORRECTION TO TITLE

On page 1, in line 7, delete ", PHARMACIES"; in line 8, delete "AND INSTITUTIONS" and insert: "OR EMPLOYER OF THE PHARMACIST".

HOUSE AMENDMENT TO H.B. NO. 244

AMENDMENT TO THE BILL

On page 2 of the printed bill, delete lines 15 through 44; and delete pages 3 and 4.

CORRECTIONS TO TITLE

On page 1, in line 4, following "LIMITS" delete "; AMENDING SECTION"; delete lines 5 through 14 and insert: "AND TO PROVIDE CORRECT TERMINOLOGY."

HOUSE AMENDMENT TO H.B. NO. 240

AMENDMENT TO SECTION 1

On page 2 of the printed bill, delete lines 18 through 20 and insert: "each claimant. ~~However, claims filed under section 36-1108, Idaho Code, shall have priority and will be paid prior to claims filed under sections 36-1109 and 36-1110, Idaho Code.~~"; and on page 3, delete lines 38 through 40 and insert: "authorize a proportionate amount to be paid to each claimant. ~~However, claims filed under section 36-1108, Idaho Code, shall have priority and will be paid prior to claims filed under sections 36-1109 and 36-1110, Idaho Code.~~".

CORRECTION TO TITLE

On page 1, in line 3, following "THE" insert: "EXPENDABLE".

Bedke, Chairman

Mr. Bedke moved that the reported be adopted. Seconded by Mr. Rusche.

Whereupon the Speaker Pro Tem declared the report adopted.

[H 198](#), as amended, [H 216](#), as amended, [H 244](#), as amended, and [H 240](#), as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

[H 255](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Eskridge to open debate.

The question being, "Shall [H 255](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker Pro Tem declared that [H 255](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 229](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Nielsen to open debate.

The question being, "Shall [H 229](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Boyle, Chadderdon, Chew, Clark, Collins, Crane, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Patrick, Raybould, Roberts, Ruchti, Rusche, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 61.

NAYS – Boe, Burgoyne, Chavez, Cronin, Jaquet, Pasley-Stuart, Pence, Ringo, Saylor. Total – 9.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 229](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 202](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Ms. Boyle to open debate.

Mr. Crane asked unanimous consent that, pursuant to Rule 22, discussion of H 218 be allowed in debate of [H 202](#). There being no objection it was so ordered.

Pursuant to Rule 38(3), Mr. Crane disclosed a conflict of interest regarding [H 202](#).

The question being, "Shall [H 202](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Black, Block, Boyle, Chadderdon, Clark, Collins, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jarvis, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Raybould, Roberts, Schaefer, Shepherd(08), Shirley, Simpson, Stevenson, Thayne, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 49.

NAYS – Bilbao, Boe, Bolz, Burgoyne, Chavez, Chew, Crane, Durst, Jaquet, Killen, King, Pence, Ringo, Ruchti, Rusche, Saylor, Shepherd(02), Smith(30), Smith(24), Takasugi, Trail. Total – 21.

Total – 70.

Whereupon the Speaker Pro Tem declared that [H 202](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Bedke moved that the House recess until 1:30 p.m. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker Pro Tem declared the House at recess until 1:30 p.m.

RECESS Afternoon Session

The House reconvened at 1:30 p.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prior to recess, the House was at the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

[H 230](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Killen to open debate.

The question being, "Shall [H 230](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, McGeachin, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Mr. Speaker. Total – 63.

NAYS – Barrett, Harwood, Mathews, Moyle. Total – 4.

Absent and excused – Black, Roberts, Wood(35). Total – 3.
Total – 70.

Whereupon the Speaker declared that [H 230](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 231](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Bell to open debate.

The question being, "Shall [H 231](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – Kren, Labrador. Total – 2.

Absent and excused – Black. Total – 1.
Total – 70.

Whereupon the Speaker declared that [H 231](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 70](#), as amended in the Senate, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clark to open debate.

The question being, "Shall [H 70](#), as amended in the Senate, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts,

Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Black. Total – 1.

Total – 70.

Whereupon the Speaker declared [H 70](#), as amended in the Senate, passed the House. Title was approved and the bill referred to the Judiciary, Rules, and Administration Committee for enrolling.

[H 152](#), as amended in the Senate, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson to open debate.

The question being, "Shall [H 152](#), as amended in the Senate, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Black. Total – 1.

Total – 70.

Whereupon the Speaker declared [H 152](#), as amended in the Senate, passed the House. Title was approved and the bill referred to the Judiciary, Rules, and Administration Committee for enrolling.

[H 76](#), as amended in the Senate, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Takasugi to open debate.

The question being, "Shall [H 76](#), as amended in the Senate, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, King, Kren, Labrador, Lake, Loertscher, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne,

Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker.
Total – 67.

NAYS – Burgoyne, Killen, Luker. Total – 3.
Total – 70.

Whereupon the Speaker declared [H 76](#), as amended in the Senate, passed the House. Title was approved and the bill referred to the Judiciary, Rules, and Administration Committee for enrolling.

[H 252](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Nonini to open debate.

Mr. Nonini asked unanimous consent that, pursuant to Rule 22, discussion of other legislation be allowed in debate of [H 252](#). There being no objection it was so ordered.

The question being, "Shall [H 252](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker.
Total – 69.

NAYS – None.

Absent and excused – Simpson. Total – 1.
Total – 70.

Whereupon the Speaker declared that [H 252](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:30 a.m., Wednesday, March 25, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 2:10 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk